

REMARKS/ARGUMENTS

Favorable reconsideration of this application in view of the above amendments and in light of the following discussion is respectfully requested.

Claims 1, 3-7, 19-21, 25, 27-31, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62-66, 77-79, 81, 83-88, 100, 103, 105, 111, 113, 116, 119, and 121 are pending. Claims 1, 3, 19, 25, 27, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 77, 83, 100, 103, 105, 111, 113, 116, 119, and 121 are amended. No new matter is introduced.

The outstanding Office Action objected to Claims 119 and 121. In addition, Claims 44, 46, 48, 50, 52, 54, 100, 103, 105, 111 and 113 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter; and Claims 1, 3-7, 19-21, 25, 27-31, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62-66, 77-79, 81, 83-88, 100, 103, 105, 111, 113, 116, 119, and 121 were rejected under 35 U.S.C. § 102 (a) as anticipated by McFadden (U.S. Patent Application Publication No. 2003/0126137).

With respect to the objection to Claims 119 and 121, the Office Action indicated it is unclear how the recited processor-readable medium would accomplish the recited tasks, and suggested reciting a medium storing program code or instructions to perform the recited task.

Amended Claim 119 recites, in part (emphasis added):

A processor-readable medium for providing information in a user information providing apparatus that includes a processor, wherein the processor-readable storage medium stores processor-executable instructions, wherein when the instructions are executed by the processor, said user information providing apparatus includes means for receiving an acquisition request, means for selectively acquiring only designated user information items, a plurality of means for providing a plurality of user information items regarding a plurality of users, and means for merging said acquired designated user information items, and wherein when the instructions are executed by the processor said method comprises:

Claim 121 includes similar amendments. Accordingly, amended Claims 119 and 121 clearly recite how the processor-readable medium would accomplish the recited tasks. It is respectfully requested the objection to Claims 119 and 121 be withdrawn.

With respect to the rejection of Claims 44, 46, 48, 50, 52, 54, 100, 103, 105, 111 and 113 were rejected under 35 U.S.C. § 101, the Office Action asserts these claims fail to pass either prong of the “machine or transformation test” and may therefore be accomplished purely by mental steps.

The Court of Appeals for the Federal Circuit recently held that “the machine-or-transformation test, properly applied, is the governing test for determining patent eligibility of a process under § 101.” *See In re Bilski*, 545 F.3d 943, 956 (Fed. Cir. 2008) (en banc). In particular, the *Bilski* court stated “A claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing.” *Id.* at 954.

Amended Claim 44 recites, in part (emphasis added):

A merge information providing method implemented in a merge user information providing apparatus that includes a processor and a computer readable storage medium that stores processor-executable instructions, wherein when the instructions are executed by the processor, said merge user information providing apparatus includes means for receiving an acquisition request, means for selectively acquiring only designated user information items, a plurality of means for providing a plurality of user information items regarding a plurality of users, and means for merging said acquired designated user information items, and wherein when the instructions are executed by the processor said method comprises:

Accordingly, the method recited in amended Claim 44 is tied to a particular machine: a merge user information providing apparatus that includes a processor and a computer readable storage medium. The computer readable storage medium stores processor-

executable instructions that, when executed by the processor, perform the claimed method. Thus, the method recited in Claim 44 is believed to be statutory. It is respectfully requested the rejection of Claim 44 under 35 U.S.C. § 101 be withdrawn.

Claims 46, 48, 50, 52, 54, 100, 103, 105, 111 and 113 include similar amendments to those discussed above with respect to Claim 44. Accordingly, for at least the same reasons as discussed above with respect to amended Claim 44, Claims 46, 48, 50, 52, 54, 100, 103, 105, 111 and 113 are believed to be directed to statutory subject matter. It is respectfully requested the rejection of Claims 46, 48, 50, 52, 54, 100, 103, 105, 111 and 113 under 35 U.S.C. § 101 be withdrawn.

Turning to the substantive rejection, the outstanding Office Action states in the Response to Arguments on page 54 that “Applicant has specifically added in the claims the limitation recited to where said information items are different between each of said means for providing said plurality of user information items,” and sets forth arguments directed to this single feature of Claim 1. However, Claim 1 as previously presented also recited acquiring only designated user information items *regarding a designated* user from among a plurality of user information items *regarding a plurality of users* from each of a plurality of user information providing means in response to an acquisition request. By contrast, McFadden describes synchronizing information regarding *all users* on hub and spoke computers *indiscriminately*. The outstanding Office Action appears to overlook this distinction. Nevertheless, in order to further clarify this feature, amended Claim 1 recites, in part (emphasis added):

...means for selectively acquiring only designated user information items regarding only said designated user from among said plurality of user information items regarding said plurality of users from each

of said plurality of user information providing means in response to said acquisition request, said plurality of user information items including user IDs, user names, user passwords, group IDs, group names, or membership of groups...

Thus amended Claim 1 requires at least two features that are not disclosed in McFadden: (1) selectively acquiring information regarding only a designated user from among information items regarding a plurality of users, and (2) selectively acquiring that information from each of the plurality of user information providing means in response to an acquisition request.

Turning to the applied reference, McFadden relates to dynamic group generation management. As illustrated in Figure 1, a dynamic group management system (12) includes synchronizer programs (50, 52) on hub and spoke computers (14, 16).¹ As described at paragraph 45, the synchronizer programs *maintains synchronization* between the respective user and group records on hub and spoke computers, as well as updating group memberships to reflect changes made to the user records in the user databases. The synchronizer programs may be configured to perform various tasks on a periodic basis, or may be configured to perform certain tasks in response to certain events. For example, an update to a dynamic group may be triggered by an addition or deletion of a user record in a user database. However, McFadden fails to disclose or suggest means for *selectively acquiring only designated user information items regarding a only a designated user* from among a plurality of user information items *regarding a plurality of users from each of a plurality of user information providing means* in response to an acquisition request relating to a *designated user of the plurality of users*, as recited in amended Claim 1.

¹ See McFadden, at paragraph [0045].

Instead, McFadden describes that “synchronizer program(s) perform a number of useful functions, including *maintaining synchronization* between the respective user and group records on hub and spoke computers, as well as updating group memberships to reflect changes made to the user records in the user databases. The synchronizer program(s) may be configured to perform various tasks on a periodic basis, or may be configured to perform certain tasks in response to certain events. For example, an update to a dynamic group may be triggered by an addition or deletion of a user record in a user database.”² Thus, McFadden describes either *synchronizing* user information of *all of the users* on hub and spoke computers (14, 16) *indiscriminately*, or updating a dynamic group based an addition or deletion of a user record in a user database. In other words, at best, McFadden describes updating dynamic group information based on what occurs in *a single database*, and does not disclose or suggest selectively acquiring only designated user information items regarding only a designated user from among a plurality of user information items regarding a plurality of users from each of a plurality of user information providing means, as recited in amended independent Claim 1.

Accordingly, McFadden fails to disclose or suggest all of the features of amended independent Claim 1. It is submitted that amended independent Claim 1 and Claims 3-7 depending therefrom are in condition for allowance.

Accordingly, McFadden fails to disclose or suggest all of the features of amended independent Claim 1. It is submitted that amended independent Claim 1 and Claims 3-7 depending therefrom are in condition for allowance.

² See McFadden, at paragraph [0045], emphasis added.

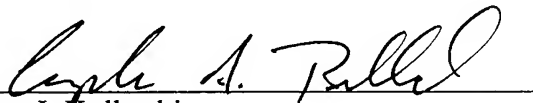
Although differing in scope, amended Claims 19, 25, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 77, 83, 100, 103, 105, 111, 113, 116, 119, and 121 each recite similar features to those discussed above with respect to independent Claim 1. Accordingly, it is submitted Claims 19, 25, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 77, 83, 100, 103, 105, 111, 113, 116, 119, and 121, and the claims depending therefrom, are in condition for allowance.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 1, 3-7, 19-21, 25, 27-31, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62-66, 77-79, 81, 83-88, 100, 103, 105, 111, 113, 116, 119, and 121 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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